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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/767,610 | 01/29/2004 | David K. Williams | | 5196 |

7590

06/02/2005

David K. Williams

#19

12290 Highway 181 South
San Antonio, TX 78223

EXAMINER

ORMAN, DARREN W

ART UNIT

PAPER NUMBER

3752

DATE MAILED: 06/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/767,610 | WILLIAMS, DAVID K. | |
| | Examiner | Art Unit | |
| | Darren W Gorman | 3752 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see pages 6-8, filed March 28, 2005, with respect to the rejection of claims 1, 4, 5, 9, 11, 13 and 18 under 35 U.S.C. 102(b) have been fully considered and are persuasive. Therefore, the above stated rejection has been withdrawn. However, upon further consideration, new grounds of rejection are made under 35 U.S.C 112, second paragraph, and in view of newly found prior art to Hewett (USPN 3,997,114).

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

3. Claims 1-8, 14 and 16-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, the recitation, "a storage tank operable to store a second liquid and to pressurize the second liquid within the storage tank" is unclear. It is clear how the storage tank can store the liquid, but how is the tank itself "operable...to pressurize the second liquid within the storage tank"?

Regarding claim 14, "the isolation valve" lacks proper antecedent basis.

Regarding claims 16 and 17, "the adapter assembly" lacks proper antecedent basis.

Art Unit: 3752

Regarding claim 18, the recitation, “a liquid storage tank operable to pressurize a second liquid disposed therein” is unclear. How is tank itself “operable to pressurize a second liquid disposed therein”?

For the purposes of this Office Action, the above claims will be examined as best understood by the Examiner.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-4, 7-12, 18 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Hewett, USPN 3,997,114.

Regarding claims 1-4 and 7-12, Hewett shows a pressure washing system (see Figures 1-14) comprising: a pump (14) operable to produce a flow of a first liquid; a storage tank (16) for storing a pressurized second liquid; and a wand assembly (D) coupled to the pump and to the storage tank, wherein the wand assembly produces a spray of the first liquid and a spray of the second liquid that is directed towards the spray of the first liquid. Hewett further shows the system comprising an engine (12) drivingly coupled to the pump and a compressor (13) coupled to the storage tank via a fitting (107) to enable the compressor to pressurize the storage tank (see column 5, line 62 through column 6, line 19). Further, Hewett shows the wand assembly including a first wand (B and 141) coupled to the pump and a second wand (C and 148) secured

Art Unit: 3752

to the first wand via at least one bracket (proximate valve 149 – see Figure 10) and coupled to the storage tank, wherein the first wand controls the flow of the first liquid from the pump and second wand controls the flow of the second liquid from the storage tank to the second wand. Still further, Hewett shows the system comprising an adapter assembly (143) removably secured to the first and second wands via quick couplings (166, 157), wherein the adapter assembly comprises a first orifice (154) and a second orifice (167), wherein the flow of the second liquid is directed through the first orifice to produce the spray of the second liquid and the flow of the first liquid is directed through the second orifice to produce the spray of the first liquid such that the second spray is directed into the spray of the first liquid (see Figure 14).

Regarding claims 18 and 19, the “method of manufacturing” steps recited are anticipated by the system shown by Hewett, as discussed above.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 5, 6, 13-17 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hewett.

Regarding claims 5, 6 and 13-17, Hewett shows all of the limitations discussed above under paragraph 5 of this Office Action, and further Hewett shows the system wherein the second wand comprises a throttle valve (149) operable to throttle the flow of the second liquid

Art Unit: 3752

through the second wand, however Hewett does not expressly teach the second wand as also including an on/off “isolation valve”.

Hewett does teach the first wand (B and 141) as comprising both an on/off valve (144) and a throttle valve (146), such that the throttle valve can be adjusted to a user selected fluid flow rate so that when the on/off valve is turned “off” and then later turned “on”, the user-selected flow rate is maintained without the user having to re-adjust the throttle valve (see Figure 10).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to also include an on/off “isolation valve” on the second wand of Hewett, such that the user selected flow rate of the second liquid can be maintained during and between successive on/off valve actuations without the user having to re-adjust the throttle valve for the desired flow rate.

Regarding claim 20, the system shown by Hewett anticipates the recited method steps as discussed above under paragraph 5 of this Office Action, however Hewett does not expressly teach an alternative arrangement of the system wherein a gas cylinder is coupled to the liquid storage tank.

The Examiner takes Office Notice that it is old and well known to exchange a compressed gas cylinder for an engine-powered air compressor in devices where compressed air/gas is required for operation of a spray system.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to exchange a compressed gas cylinder for the gasoline powered engine of Hewett, such that fossil fuels are not required for operation of the system and since the Examiner takes Official Notice of the equivalence of a compressed gas cylinder and an engine powered air

Art Unit: 3752

compressor for their use in the fluid spraying art. The selection of either of these known equivalents to supply pressurized air in the system shown by Hewett would be within the level of one having ordinary skill.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US Patents to Stasz et al., Juttlestad et al., and Petty are cited as of interest.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Darren W Gorman whose telephone number is 571-272-4901. The examiner can normally be reached on M-F 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Scherbel can be reached on 571-272-4901. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Darren W Gorman

Examiner

Art Unit 3752

DWG 5/16/05
DWG
May 16, 2005

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